

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BROADCOM CORPORATION, et al.,

Plaintiffs,

v.

NETFLIX INC,

Defendant.

Case No. 20-cv-04677-JD

**THIRD ORDER RE SEALING**

This order resolves a set of sealing motions related to Broadcom's Motion to Strike Portions of the Supplemental Opening Expert Report of Samrat Bhattacharjee, Dkt. No. 381, which was terminated without prejudice pursuant to Dkt. Nos. 425 & 437. *See* Dkt. Nos. 379, 391, 392, 393, & 394. Netflix requested sealing because the report references materials that were designated confidential by non-parties VMware, F5 Networks, Microsoft, and Oracle.

VMware and Oracle filed statements in support of sealing pursuant to Civil Local Rule 79-5(f)(3), which presented good cause for sealing portions of the report that reference their confidential source code. *See* Dkt. Nos. 400 & 398. F5 Networks and Microsoft did not file responses, which ordinarily would mean the "default posture of public access prevails" for their confidential materials. *In re Google Play Store Antitrust Litig.*, 556 F. Supp. 3d 1106, 1108 (N.D. Cal. 2021) (quoting *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1182 (9th Cir. 2006)). Even so, in light of the fact that the Court did not rule on the substantive motion and the relevant patent is no longer at issue, Broadcom may withdraw the sealed material. *See* Civ. L.R. 79-5(g)(2). Exhibits G and H to the Motion are ordered withdrawn, and no further action is required.

**IT IS SO ORDERED.**

Dated: January 31, 2024

  
JAMES DONATO  
United States District Judge